

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0195-MWD-E **TCEQ ID:** RN101720654 **CASE NO.:** 35287
RESPONDENT NAME: City of Blooming Grove

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Blooming Grove, located on the west bank of Rush Creek, at a point approximately 4,200 feet southeast of the intersection of State Highway 22 and Farm-to-Market Road 55, Navarro County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3048; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Alva L. Smith, Mayor, City of Blooming Grove, P.O. Box 237, Blooming Grove, Texas 76626 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: December 18, 2007</p> <p>Date of NOE Relating to this Case: December 21, 2007 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to comply with permit effluent limits for five-day biochemical oxygen demand, pH, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011606001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3].</p> <p>2) Failure to timely submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011606001, Sludge Provisions].</p> <p>3) Failure to provide monitoring results at intervals specified in the permit. Specifically, the Respondent did not report the daily maximum flow at Outfall 001 for the monitoring periods ending August 31, 2007 and September 30, 2007 [30 TEX. ADMIN. CODE § 319.1 and TPDES Permit No. WQ0011606001, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$6,402</p> <p>Total Deferred: \$1,280 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$436 (remaining \$4,686 due in 11 monthly payments of \$426 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a) On January 24, 2008, the Respondent submitted revised copies of the Discharge Monitoring Reports (DMRs) for the months of August and September 2007; and</p> <p>b) On January 29, 2008, the Respondent submitted the annual sludge report for the monitoring period ending July 31, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011606001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): WQ0011606001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	2-Jan-2008	Screening	22-Jan-2008	EPA Due	
	PCW	22-Jan-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Blooming Grove
Reg. Ent. Ref. No.	RN101720654
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35287			No. of Violations	3
Docket No.	2008-0195-MWD-E			Order Type	1660
Media Program(s)	Water Quality			Enf. Coordinator	Heather Brister
Multi-Media				EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$3,300**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **94% Enhancement** **Subtotals 2, 3, & 7** **\$3,102**

Notes

The Respondent self-reported 15 months of effluent quality violations, was issued three Notice of Violations ("NOVs") for violations that are considered to be same or similar, and was issued two NOVs for violations that are not considered same or similar.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts	\$187
Approx. Cost of Compliance	\$2,200

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$6,402

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$6,402

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$6,402

DEFERRAL

20%

Reduction

Adjustment -\$1,280

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$5,122

Screening Date 22-Jan-2008

Docket No. 2008-0195-MWD-E

PCW

Respondent City of Blooming Grove

Policy Revision 2 (September 2002)

Case ID No. 35287

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101720654

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	18	90%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 94%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes The Respondent self-reported 15 months of effluent quality violations, was issued three Notice of Violations ("NOVs") for violations that are considered to be same or similar, and was issued two NOVs for violations that are not considered same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 94%

Screening Date 22-Jan-2008		Docket No. 2008-0195-MWD-E		PCW	
Respondent City of Blooming Grove		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35287		<i>PCW Revision November 6, 2007</i>			
Reg. Ent. Reference No. RN101720654					
Media [Statute] Water Quality					
Enf. Coordinator Heather Brister					
Violation Number	<input type="text" value="1"/>				
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011606001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3				
Violation Description	Failed to comply with permit effluent limits, as documented during a record review conducted on December 18, 2007. See attached table.				
Base Penalty					<input type="text" value="\$10,000"/>
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Matrix Notes	<p>A simplified model was used to evaluate 5-day biochemical oxygen demand and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and pH were also considered. As a result of these discharges, human health or the environment have been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.</p>				
Adjustment					<input type="text" value="\$9,000"/>
					<input type="text" value="\$1,000"/>
Violation Events					
Number of Violation Events		<input type="text" value="3"/>		<input type="text" value="151"/> Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	x			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
Violation Base Penalty					<input type="text" value="\$3,000"/>
Three quarterly events are recommended.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$183"/>		Violation Final Penalty Total <input type="text" value="\$5,820"/>	
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$5,820"/>

Economic Benefit Worksheet

Respondent City of Bloomington
Case ID No. 35287
Reg. Ent. Reference No. RN101720654
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	1-Dec-2006	30-Sep-2008	1.8	\$183	n/a	\$183

Notes for DELAYED costs

Estimated cost for bringing in two loads of activated sludge to re-seed the plant after a wash-out. Date Required is the initial month of noncompliance. Final Date is the anticipated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$183

Screening Date 22-Jan-2008	Docket No. 2008-0195-MWD-E	PCW
Respondent City of Bloomington Grove	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35287	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN101720654		
Media [Statute] Water Quality		
Enf. Coordinator Heather Brister		
Violation Number 2		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0011606001, Sludge Provisions	
Violation Description	Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007, as documented during a record review conducted on December 18, 2007.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential				Percent	0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
				x		
					Percent	1%

Matrix Notes	At least 70% of the rule requirement was met.
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Adjustment	\$9,900
	\$100

Violation Events

Number of Violation Events	1	Number of violation days	150
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<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty	\$100
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One annual event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$2
	Violation Final Penalty Total
	\$194
This violation Final Assessed Penalty (adjusted for limits)	
\$194	

Economic Benefit Worksheet

Respondent City of Bloomington Grove
Case ID No. 35287
Reg. Ent. Reference No. RN101720654
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2007	29-Jan-2008	0.4	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge report to the Enforcement Division, calculated from the date the report was due to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$2

Screening Date 22-Jan-2008		Docket No. 2008-0195-MWD-E		PCW	
Respondent City of Blooming Grove		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35287		<i>PCW Revision November 6, 2007</i>			
Reg. Ent. Reference No. RN101720654					
Media [Statute] Water Quality					
Enf. Coordinator Heather Brister					
Violation Number 3					
Rule Cite(s) 30 Tex. Admin. Code § 319.1, and TPDES Permit No. WQ0011606001, Monitoring and Reporting Requirements No. 1					
Violation Description		Failed to provide monitoring results at intervals specified in the permit. Specifically, the Respondent did not report the daily maximum flow at Outfall 001 for the monitoring periods ending August 31, 2007 and September 30, 2007, as documented by a record review conducted on December 18, 2007.			
		Base Penalty		\$10,000	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

>> Programmatic Matrix

Falsification				
Major	Moderate	Minor		
<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>		
	Percent <input type="text" value="1%"/>			

Matrix Notes	At least 70% of the rule requirement was met.
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Adjustment	\$9,900
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Violation Events

Number of Violation Events <input type="text" value="2"/>	<input type="text" value="61"/>	Number of violation days
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mark only one with an x	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="x"/>	

Violation Base Penalty	\$200
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Two single events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$2"/>	Violation Final Penalty Total <input type="text" value="\$388"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$388"/>	

Economic Benefit Worksheet

Respondent: City of Bloomington Grove
Case ID No. 35287
Reg. Ent. Reference No. RN101720654
Media: Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	31-Aug-2007	24-Jan-2008	0.4	\$2	n/a	\$2

Notes for DELAYED costs

Estimated costs of submitting monitoring results for the two months. Date Required is the first noncompliant month. Final Date is the date compliance was achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$2

Effluent Limit Violation Table

table rev.

Respondent City of Blooming Grove
 ID Number(s) TPDES Permit No. WQ0011606001
 Docket Number 2008-0195-MWD-E
 Enf. Coordinator Heather Brister

Corresponds to Violation Number:

1

EFFLUENT PARAMETER			
	Permit Limit		
	5-Day Biochemical Oxygen Demand Daily Average Concentration 20 Milligrams per Liter	pH Minimum 6.0	Total Suspended Solids Daily Average Concentration 20 Milligrams per Liter
Month/Year			
Dec-06	c	5.8	c
Feb-07	c	c	21.0
Jul-07	29.2	c	31.4
Aug-07	38.75	c	49.25
Sep-07	33.75	c	33.75

Compliance History

Customer/Respondent/Owner-Operator: CN600661151 City of Blooming Grove Classification: AVERAGE Rating: 1.57
Regulated Entity: RN101720654 CITY OF BLOOMING GROVE Classification: AVERAGE Site Rating: 1.57

ID Number(s): WASTEWATER PERMIT WQ0011606001
WASTEWATER PERMIT TPDES0075418
WASTEWATER PERMIT TX0075418
WASTEWATER LICENSING LICENSE WQ0011606001

Rating Date: September 01 07 Repeat Violator: NO

Location: Located on the west bank on Rush Creek, at a point approximately 4,200 feet southeast of the intersection of State Highway 22 and Farm-to-Market Road 55 in Navaro County, Texas.

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: January 22, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 22, 2003 to January 22, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Heather Brister Phone: (254) 761-3048

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A
- B. Any criminal convictions of the state of Texas and the federal government. N/A
- C. Chronic excessive emissions events. N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 03/21/2003 (20876)
 - 2 05/21/2003 (313632)
 - 3 05/21/2003 (313624)
 - 4 05/21/2003 (313626)
 - 5 03/22/2004 (313633)
 - 6 03/22/2004 (313625)
 - 7 03/22/2004 (313629)
 - 8 03/22/2004 (313630)
 - 9 03/22/2004 (313631)
 - 10 05/05/2004 (359557)
 - 11 05/05/2004 (359558)
 - 12 08/31/2004 (147306)
 - 13 01/12/2005 (386055)
 - 14 01/12/2005 (386056)
 - 15 01/12/2005 (386057)
 - 16 01/12/2005 (386058)
 - 17 01/12/2005 (386059)
 - 18 01/12/2005 (386060)
 - 19 01/12/2005 (386061)
 - 20 01/12/2005 (386062)
 - 21 01/21/2005 (386063)
 - 22 03/10/2005 (349492)
 - 23 04/20/2005 (444755)
 - 24 04/20/2005 (444756)
 - 25 05/23/2005 (444757)
 - 26 06/21/2005 (444758)
 - 27 06/27/2005 (449414)

28 07/20/2005 (444759)
 29 09/02/2005 (444754)
 30 09/02/2005 (444760)
 31 09/06/2005 (404613)
 32 09/14/2005 (444761)
 33 11/04/2005 (475587)
 34 11/18/2005 (475588)
 35 01/20/2006 (475589)
 36 01/20/2006 (475590)
 37 05/02/2006 (502994)
 38 05/02/2006 (502995)
 39 05/02/2006 (502996)
 40 05/30/2006 (435572)
 41 08/01/2006 (525330)
 42 08/01/2006 (525331)
 43 10/04/2006 (550055)
 44 10/04/2006 (550056)
 45 02/20/2007 (584974)
 46 02/20/2007 (584975)
 47 02/20/2007 (584976)
 48 05/25/2007 (584968)
 49 05/25/2007 (584969)
 50 05/25/2007 (584970)
 51 05/25/2007 (584971)
 52 05/25/2007 (584977)
 53 06/20/2007 (584972)
 54 06/20/2007 (584973)
 55 08/08/2007 (604404)
 56 09/12/2007 (604405)
 57 09/24/2007 (604406)
 58 12/21/2007 (612425)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: **02/28/2003** (313626)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: **03/19/2003** (20876)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(d)

Description: The return sludge pump was not operational.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.6
 30 TAC Chapter 319, SubChapter A 319.7(a)
 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: The chlorine meter was not fully operational.

Date: **10/31/2003** (313630)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: **11/30/2003** (313631)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: **01/31/2004** (313625)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: **04/30/2004** (386055)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: **07/31/2004** (386058)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: **03/07/2005** (349492)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
30 TAC Chapter 30, SubChapter J 30.350(d)

Description: Failure to have daily plant operations maintained by an individual with a "C" license or higher.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)

Description: Failure to operate and maintain secondary clarifier appropriately.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)

Description: Failure to appropriately maintain chlorine residual sampling log sheet.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to submit discharge monitoring reports (DMRs) on or before the 20th of every month.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to install staff gauge at the 90 degree V-notch weir effluent discharge point.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to comply with effluent limitations for BOD5 and TSS.

Date: **06/27/2005** (449414)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date:	08/31/2005	(444761)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2005	(475587)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2005	(475588)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2006	(502994)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/31/2006	(584977)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2007	(584969)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		

Description: Failure to meet the limit for one or more permit parameter

Date: 04/26/2007 (558752)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Description: During the investigation, it was noted that no reports of unauthorized discharges had been reported.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to have the secondary flow measuring device calibrated annually.

Date: 05/31/2007 (558752)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(8)

30 TAC Chapter 317 317.7(i)

Description: Failure to provide a properly installed backflow prevention assembly device at the plant's main potable water service line.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)

30 TAC Chapter 305, SubChapter F 305.125(11)(C)

Description: Failure to submit an annual sludge report, as required by the permit.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(b)(4)

Description: Failure to properly dispose of the screenings and grit.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(d)

Description: Failure to conduct operation and maintenance on the clarifier and the chlorine contact chamber (CCC).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to maintain the building used to house the chlorine cylinders.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

TWC Chapter 26 26.121

TWC Chapter 26 26.121(a)

TWC Chapter 26 26.121(a)(1)

TWC Chapter 26 26.121(a)(2)

TWC Chapter 26 26.121(a)(3)

TWC Chapter 26 26.121(b)

TWC Chapter 26 26.121(c)

TWC Chapter 26 26.121(d)

TWC Chapter 26 26.121(e)

Description: Failure to prevent an unauthorized discharge of wastewater at the plant and the collection system.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT WQ0011606-001

Description: Failure to comply with permit limitations for BOD and TSS.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0011606-001
Description: Failure to provide noncompliance notification as required.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to accurately complete and submit discharge monitoring reports.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to maintain calibration records for chlorine analysis.

Date: 07/31/2007 (604405)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2007 (604406)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits. N/A
G. Type of environmental management systems (EMSs). N/A
H. Voluntary on-site compliance assessment dates. N/A
I. Participation in a voluntary pollution reduction program. N/A
J. Early compliance. N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF BLOOMING GROVE
RN101720654**

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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0195-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Blooming Grove ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment plant located on the west bank of Rush Creek, at a point approximately 4,200 feet southeast of the intersection of State Highway 22 and Farm-to-Market Road 55 in Navarro County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about December 26, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Four Hundred Two Dollars (\$6,402) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Four Hundred Thirty-Six Dollars (\$436) of the administrative penalty and One

Thousand Two Hundred Eighty Dollars (\$1,280) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

The remaining amount of Four Thousand Six Hundred Eighty-Six Dollars (\$4,686) of the administrative penalty shall be payable in 11 monthly payments of Four Hundred Twenty-Six Dollars (\$426) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. On January 24, 2008, the City submitted revised copies of the Discharge Monitoring Report for the months of August and September 2007; and
 - b. On January 29, 2008, the City submitted the annual sludge report for the monitoring period ending July 31, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011606001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3, as documented during a record review conducted on December 18, 2007, and as seen in the following table:

EFFLUENT PARAMETER			
Month/Year	Permit Limit		
	5-Day Biochemical Oxygen Demand Daily Average Concentration 20 Milligrams per Liter	pH Minimum 6.0	Total Suspended Solids Daily Average Concentration 20 Milligrams per Liter
Dec-06	c	5.8	c
Feb-07	c	c	21.0
Jul-07	29.2	c	31.4
Aug-07	38.75	c	49.25
Sep-07	33.75	c	33.75

c = compliant

2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0011606001, Sludge Provisions, as documented during a record review conducted on December 18, 2007.
3. Failed to provide monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 319.1, and TPDES Permit No. WQ0011606001, Monitoring and Reporting Requirements No. 1, as documented by a record review conducted on December 18, 2007. Specifically, the City did not report the daily maximum flow at Outfall 001 for the monitoring periods ending August 31, 2007 and September 30, 2007.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Blooming Grove, Docket No. 2008-0195-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the City shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011606001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in

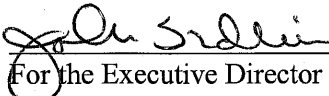
writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/18/2008

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Alva L. Smith

Signature

4-21-2008

Date

Alva L. Smith

Name (Printed or typed)
Authorized Representative of
City of Blooming Grove

Mayer

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

